

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Treasuries and Accounts Department – Sri K.Ramakrishna, Accounts Officer (Retd.), Government Central Press, Hyderabad – Allowed Sri V.Sattaiah, Attender to retire on Medical invalidation without obtaining approval of the State level Committee – Departmental Proceedings under Rule 9 of A.P.Revised Pension Rules, 1980 – Imposition of punishment of withholding of 5% in pension for a period of three years – Punishment set aside by the APAT in its orders dt. 11-12-2006 in O.A.No.5347/2006 - W.P.No.3463 of 2007 filed by the Government – Dismissed by the Hon'ble High Court in their order dated 02-02-2010 – Implementation of judgment of APAT – Orders – Issued.

FINANCE (ADMN.I) DEPARTMENT

G.O.Rt.No. 1516

Dated: 31-03-2010.

Read the following:-

1. G.O.Rt.No.2352, Finance (Admn.I.Vig.) Department, dated 29-06-2006.
2. Hon'ble A.P.A.T. Orders in O.A.No.5347 of 2006 dated 11-12-2006 filed by Sri K.Ramakrishna, Accounts Officer (Retd.), Government Central Press, Hyderabad.
3. Hon'ble A.P.High Court orders in WPMP No.4413/2007 in WP.No.3463/2007 dated 27-2-2007.
4. Hon'ble A.P. High Court Orders dated 16-7-2008 in WVMP No.872 of 2007 and WPMP.No.4413 of 2007 in W.P.No.3463 of 2007 filed by Government.
5. G.O.Rt.No.3567, Finance (Admn.I.Vig.) Department, dated 30-08-2008.
6. Hon'ble A.P.High Court final orders dt:02-02-2010 in Writ Petition No.3463 of 2007 filed by Government.

ORDER:

In the G.O.1st read above, Sri K.Ramakrishna, Accounts Officer (Retd.), Government Central Press, Hyderabad was imposed with a punishment of withholding of 5% in pension for a period of (3) years under Rule 9 of A.P.Revised Pension Rules, 1980 for his lapse in issuing retirement orders on medical invalidation of Sri V.Sattaiah, Attender without following the orders issued by the Government in G.O.Ms.No.214, G.A. (Ser.A) Department, dated 09-06-1998 read with G.O.Ms.No.570, G.A.(Ser.A) Department, dated 17-12-1998.

2. Aggrieved with the above orders, Sri K.Ramakrishna, Accounts Officer (Retd.) filed an O.A.No.5347/2006 before Hon'ble A.P. Administrative Tribunal. The Hon'ble A.P. Administrative Tribunal in their order dated 11-12-2006 set aside the orders issued in the G.O.1st read above on the ground that there is no grave misconduct or negligence on the part of the applicant Sri K.Ramakrishna, Accounts Officer (Retd.).

3. Aggrieved with the above orders of Hon'ble A.P. Administrative Tribunal in O.A.No.5347/2006, Government filed W.P.No.3463 of 2007 and W.P.M.P.No.4413 of 2007. The Hon'ble High Court of A.P. after hearing the matter admitted Writ petition and granted interim stay of operation of the order Hon'ble A.P. Administrative Tribunal as prayed for in their order dated 27-2-2007 in W.P.M.P.No.4413 of 2007 in W.P.No.3463 of 2007.

4. The Hon'ble A.P. High Court in their order dated 16-7-2008 in W.V.M.P.No. 872 of 2007 in W.P.No.3463 of 2007 has made the following order:

“We have perused the order passed by the Tribunal. The Tribunal having considered the material on record set aside the order of punishment of withholding of 5% cut in pension for a period of three years. Since, unofficial respondent has succeeded before the Tribunal, it is not desirable to continue the interim order. Hence, the interim order granted on 27-02-2007 is hereby vacated. WVMP is accordingly allowed.”

5. Government, after careful consideration of the above orders of the Hon'ble High Court of Andhra Pradesh, kept the orders issued in the G.O.1st in abeyance till the final orders of Hon'ble High Court in W.P.No.3463 of 2007 vide G.O.4th cited.

6. The Hon'ble A.P. High Court in their final orders dated 02-02-2010 in W.P.No.3463 of 2007 has made the following:

“There is no allegation that the petitioner- State is put to any financial loss, nor there is anything to suggest even negligence on the part of the predecessor Chief Accounts Officer or the respondent herein. Merely because it is safer to review the decision does not amount to negligence so as to warrant punishment in disciplinary proceedings particularly when the respondent has retired long back and the punishment of 5% cut on pension is clearly unjustified. The view of the Tribunal that the imposition of said punishment is unwarranted on the facts and circumstances case therefore does not require any interference. The writ petition is liable to be dismissed and the same is accordingly dismissed. However, there shall be no order as to costs.”

7. Government after careful examination of the matter and keeping in view of the above orders of Hon'ble A.P.High Court decided to implement the orders of Hon'ble APAT in O.A.No.5347/2006 dated 11-12-2006.

8. The Director of Treasuries and Accounts shall take necessary further action in the matter accordingly and report compliance to the Hon'ble A.P. Administrative Tribunal immediately under intimation to the Government.

9. The G.O. is available on Internet and can be accessed at the address <http://www.goir.ap.gov.in>.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**L.V.SUBRAHMANYAM
PRINCIPAL SECRETARY TO GOVERNMENT (FP)**

To
The Individual through Director of Treasuries and Accounts, A.P., Hyderabad.
The Director of Treasuries and Accounts, A.P., Hyderabad.
Copy to the Chief Accounts Officer, Government Central Press, Hyderabad.
SF/SC

:: FORWARDED BY ORDER ::

SECTION OFFICER